Claims 1, 19-24, 42, 46 and 48 have been amended, and claim 18 has been canceled. Claims 1, 3-8, 10-17, 19-48 and 50-57 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Rejections:

The Examiner rejected claims 1, 3-7, 11, 13-26, 29, 31-48, 51 and 53-57 under 35 U.S.C. § 102(e) as being anticipated by Ballantyne et al. (U.S. Patent 6,687,873) (hereinafter "Ballantyne") and under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne. Applicants respectfully traverse these rejections for at least the reasons presented below.

Regarding claim 1, contrary to the Examiner's assertion, Ballantyne fails to disclose, teach or suggest **a service in the distributed computing environment generating results for a client in the distributed computing environment and a data presentation process accessing a presentation schema that includes information for presenting the results data, where the presentation schema is provided by the service, accessing the results data and presenting the results data for the client in accordance with the information from the presentation schema, <u>wherein the data presentation process and the service execute on separate devices in the distributed computing environment</u>.**

Ballantyne discloses a system that modifies and recompiles legacy program applications to output data in XML format. Ballantyne's system includes a code generation system that allows analysis of legacy program applications and generation of modified legacy program applications. After modification, the legacy applications are able to directly output syntactically correct XML data. *See,* Ballantyne, column 6, lines 15-26. Ballantyne's system is concerned with analyzing and modifying legacy applications to output XML data. Thus, a legacy application is first analyzed to

determine where data are outputted and then the legacy application is modified to output XML formatted data in place of, or in addition to, the originally outputted data.

Ballantyne's system does not involve a service generating results for a client and a data presentation process accessing the presentation schema, accessing the results, and presenting the results data, where the service and data presentation process execute on separate devices in the distributed computing environment. The Examiner equates Ballantyne's legacy computer system with the service of Applicants' claims. However, in Ballantyne's system, the modified legacy application, which executes on the legacy computer system, accessing the presentation schema that includes information for presenting the results data. Specifically, Ballantyne teaches that a legacy application is modified to output data in XML format and utilizes a modeling engine 28 that provides an XML schema. The modified legacy application uses the XML schema to properly format the output data in XML format.

However, claim 1 requires that a data presentation process that executes on a device separate from the device on which the service executes accesses the presentation schema. As noted above, Ballantyne fails to disclose a data presentation process executing on a separate device (from the service) accessing the presentation schema. Please note that, as is well known, XML formatted data is different from a data presentation schema. Thus, accessing the XML formatted data in Ballantyne's system is not the same as accessing the XML schema according to which a legacy application formats its output data.

Furthermore, the Examiner has failed to provide, in regards to the § 103(a) rejection, any motivation to modify Ballantyne. Therefore the Examiner has failed to provide a *prima facie* rejection under § 103.

For at least the reasons presented above, the rejection of claim 1 is clearly not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar arguments apply in regard to independent claims 24, 46 and 48.

Regarding claim 3, Ballantyne fails to disclose, teach or suggest that generating the results data is performed <u>in response to the client sending a request message in a data representation language to the service</u>, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. The Examiner cites columns 17-18 of Ballantyne, which (as described above regarding claim 1) describe various benefits to modifying legacy applications to output XML formatted data. However, the cited passage does not teach that the modified applications generate results data, such as the billing statements or invoices mentioned by the Examiner, in response to a client sending a request message in a data representation language to the service (e.g. the same service that both generates the results data and provides the presentation schema).

Ballantyne discusses that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). The Examiner argues that a "user may request billing statements or invoices." However, the Examiner has misrepresented the teachings of Ballantyne. Ballantyne teaches, "individual telephone customers could receive their telephone bill by e-mail containing a web link to a site that provides the individual's bill detail" (Ballantyne, column 17, lines 50-52). Sending a bill to a customer in an email is very different from a service generating results data in response to receiving a request from a client in a data representation language.

In the Response to Argument section of the latest Office Action, the Examiner responds to the above argument by asserting, "receiving a telephone bill from a telephone provider via a web link involves a service (i.e. telephone provider) generating results data (i.e. bill)" and further arguing, "[c]licking on a web link is sending a request to the server" (Final Action, dated November 29, 2005, page 12, lines 2-5). However, the Examiner has failed to consider that claim 3 requires that the generating of results data is

performed in response to the client sending a request message to the same service (from claim 1) that both generates the results data and provides the presentation schema. The web server that would receive a message in response to a user clicking a web link in an email is clearly not the same as the modified legacy applications that the Examiner contends generate the results data and is clearly not the same as the modeling engine which provides the presentation schema relied upon by the Examiner.

Furthermore, Ballantyne teaches that the XML output from modified applications may be stored in a database for later retrieval or for integration into other applications. (see, Ballantyne, column 17, lines 15-24; 33-36; and line 65 – column 18, line 2). Thus, the invoice information sent to the user in response to the user clicking on a web link (the example given by the Examiner) would not be generated by the web server, but instead generated by one of Ballantyne's modified legacy applications, stored in a database, and merely retrieved by a web server. Moreover, since the invoice data would have been generated and stored in the database prior to the web server being able to retrieve it, the results data are clearly not generated in response to a user clicking a web link in an email. Hence, the Examiner interpretation of Ballantyne is erroneous.

Thus, Ballantyne clearly fails to teach wherein generating the results data is performed <u>in response to the client sending a request message in a data representation language to the service</u>, wherein the request message requests the service to perform a function on behalf of the client and wherein the function generates the results data when performed by the service. Thus, for at least the reasons above, the rejection of claim 3 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks also apply to claims 25 and 36.

Regarding claim 4, Ballantyne fails to disclose, teach or suggest a client sending a request message in a data representation language to the service, <u>wherein the data representation language is eXtensible Markup Language (XML)</u>. The Examiner argues that the "data presentation language used by Ballantyne is XML." However, whether or

not Ballantyne uses XML as a data presentation language for other purposes has no relevance to, nor does it imply, a *client sending a request message to a service in XML.*

Furthermore, claim 4 depends from claim 3 and thus requires that the request message sent by the client to the service, in response to which the service generates the results data, be in XML. In the Response to Arguments section of the latest Action, the Examiner argues, regarding claim 3, that a user clicking on a web link constitutes a client sending a request message to a service, in response to which the service generates the results data (e.g. supplying a telephone invoice to a user, according to the Examiner). However, it is well known that HTTP, not XML, is used to send a request to a web server, such as when a user clicks on a web link embedded in an email message (the example used by the Examiner). Regardless, it cannot be said that Ballantyne <u>inherently and necessarily requires</u> that a client sends a request message <u>in XML</u> to the service, as recited in claim 4. Thus, the rejection of claim 4 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 5, Ballantyne fails to disclose, teach or suggest wherein said accessing results data for a client in the distributed computing environment comprises receiving the results data <u>from the service</u> in one or more messages in a data representation language. The Examiner refers to Ballantyne's modified applications outputting reported data in XML format that may include billing statements or invoices and cites column 17. Ballantyne teaches that XML data output by his modified applications may be stored in databases for retrieval, such as by browsers and other web sites. For example, Ballantyne teaches that individual telephone customers could receive their telephone bill by email containing a web link to a site that provides the individual's bill detail.

However, Ballantyne fails to disclose a client *receiving the results data from the service* in one or more messages in a data representation language. Instead, as noted above, Ballantyne teaches storing the XML output of a modified application, which the Examiner equates to the service of Applicants' claim, in a database and other

applications, such as a browser or web server retrieving and supplying the XML formatted report data to clients or users. Thus, in Ballantyne's system (and according to the Examiner's interpretation and line of reasoning) a client (or user) does not receive the results data (XML formatted report data in Examiner's interpretation) from the service that generates the results data (i.e. Ballantyne's modified applications), which would be required for Ballantyne to anticipate Applicants' claim 5.

The rejection of claim 11 is improper because claim 11 is rejected under § 102(e) as being anticipated by Ballantyne, while claim 10, from which claim 11 depends is rejected under § 103(a) over Ballantyne. If, as admitted by the Examiner, Ballantyne does not disclose all the limitations of claim 10, Ballantyne cannot anticipate claim 11. Thus, the rejection of claim 11 under § 102(e) is clearly improper.

Furthermore, Ballantyne fails to disclose, teach or suggest wherein the presentation schema advertisement is an eXtensible Markup Language (XML) document. The Examiner asserts, "Ballantyne teaches that the output of the XML schema can be an XML document", without citing any particular portion of Ballantyne. However, whether or not the output of an XML schema can be an XML document has no relevance to a *presentation schema advertisement* being an XML document. Ballantyne's system does not include any presentation schema advertisement, whether in the form of an XML document or otherwise. Instead, as described previously, Ballantyne teaches a system for modifying applications to output XML data formatted according to an XML schema. Nowhere does Ballantyne mention a presentation schema advertisement that is an XML document. Thus, for at least the reasons above, the rejection of claim 11 is not supported by the cited art and removal thereof is respectfully requested.

Regarding claim 22, Ballantyne fails to disclose, teach or suggest that the data presentation process in the distributed computing environment accessing the presentation schema comprises the client receiving information for accessing the presentation schema and the client providing the information for accessing the presentation schema to the data presentation process. As with the rejections of claims 20 and 21, discussed above, the

Examiner has not cited any portion of Ballantyne regarding the rejection of claim 22, but instead merely states, "Ballantyne's system teaches the client receiving report data from the service and the report data is presented to the client upon his request being received." However, the Examiner has failed to consider the limitation of "the client receiving information for accessing *the presentation schema*" recited in claim 22. Ballantyne's system does not include the client receiving any information for accessing the presentation schema. Ballantyne's system modifies a legacy application to output data formatted in XML according to a XML schema, which the Examiner equates to the presentation schema of Applicants' claims. A client, such as a web browser viewing a phone bill on a user's computer, which the Examiner equates to the client of Applicants' claims, does not receive information for accessing the XML schema of Ballantyne's system.

Additionally, Ballantyne's system does not include *the client providing the information for accessing the presentation schema* to the data presentation process. The Examiner does not make any mention regarding a client providing any information for accessing the presentation schema to a data presentation process. The Examiner merely refers to Ballantyne's report data being presented to the client. However, presenting report data to the client has nothing whatsoever to do with the client providing information for accessing the presentation schema to a data presentation process.

Thus, the rejection of claim 22 is not supported by the cited art and removal thereof is respectfully requested.

Regarding claim 23, Ballantyne fails to disclose, teach or suggest that the data presentation process in the distributed computing environment accessing the presentation schema comprises the client receiving the presentation schema and the client providing the presentation schema to the data presentation process. The Examiner cited columns 6-8, asserting, "Ballantyne teaches that the client receives the presentation schema in the form of an XML output and the schema can be provided by the client by formatting the schema in the model GUI." However, the Examiner interpretation of Ballantyne is

incorrect. Firstly, the report data cannot be considered the presentation schema. Schemas are well understood in the art and the output data that is merely formatted according to a schema cannot be considered the schema itself. As no point in Ballantyne's system does a client receive the XML schema nor does a client ever provide it to a data presentation process.

The Examiner further states that Ballantyne's schema "can be provided by the client by formatting the schema in the model GUI." However, the GUI used to modify the XML schema is not utilized by a client. Instead, the developer that modifies a legacy application according to Ballantyne's teachings may customize the XML schema, as clearly described by Ballantyne at column 10, lines 4 – 54.

For at least the reasons above, the rejection of claim 23 is not supported by the cited art and removal thereof is respectfully requested.

Regarding claim 42, Ballantyne fails to disclose, teach or suggest a service device configured to provide a presentation schema advertisement, store the presentation schema advertisement on the storage device and produce results data on behalf of a client in the distributed computing system, wherein the presentation schema advertisement includes information for enabling access to a presentation schema for presenting the results data.

The Examiner cites columns 17-18 of Ballantyne. However, Ballantyne's system does not include the use of a presentation schema advertisement that includes information for enabling access to a presentation schema for presenting results data. The Examiner argues that Ballantyne's use of sending a telephone customer an email including a web link to a web site that provides the details of a phone bill teaches providing a results advertisement. However, the "results advertisement" referred to by the Examiner is not a presentation schema advertisement. Claim 42 recites a service device configured to provide a presentation schema advertisement that includes information for enabling access to a presentation schema for presenting results data. The only presentation schema

taught by Ballantyne is the XML schema providing the modeling engine and used by a modified legacy application in order to output data in XML format. The results advertisement cited by the Examiner does not include information for enabling access to Ballantyne's XML schema, as would be required according to the Examiner's interpretation of Ballantyne.

Thus, Ballantyne clearly fails to disclose, teach or suggest a service device configured to provide a presentation schema advertisement, <u>where the presentation schema advertisement includes information for enabling access to a presentation schema for presenting the results data</u>. For at least the reasons above, the rejection of claim 42 is not supported by the cited art and removal thereof is respectfully requested.

The Examiner rejected claims 8, 10, 27, 28 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne. Applicants traverse the rejection of these claims for at least the reasons given above regarding their respective independent claims.

In further regard to claim 10, Ballantyne does not teach or suggest wherein the <u>presentation schema is comprised in a presentation schema advertisement</u> comprised on a storage device in the distributed computing environment, wherein the storage device is operable to store a plurality of presentation schema advertisements, and wherein <u>said accessing the presentation schema comprises accessing the presentation schema advertisement</u> from the storage device through a space service. The Examiner cites column 17, lines 15-25 where Ballantyne states that outputted XML data, such as internal reports may be stored in a database and thus be available for review electronically. However, the cited passage makes no mention of a presentation schema comprised in a presentation schema advertisement.

The Examiner argues that the term "report data" could comprise an advertisement and that "an XML schema could be used to describe any number of outputs in XML format including invoices and advertisements." Firstly, the Examiner is apparently

confusing the generation of commercial advertisements with a presentation schema advertisement that includes a presentation schema. Furthermore, the cited passage does not refer to generating any presentation schema, but instead refers only to generating XML data. Also, as noted above, the Examiner's speculation as to how Ballantyne *could* be modified does not meet the requirements for a *prima facie* case of obviousness.

Moreover, as noted above regarding the rejection of claim 1, Ballantyne's system includes a modeling engine that generates an XML schema, which the Examiner equates to the presentation schema of Applicants' claims, to modify existing legacy application to output XML data. Ballantyne does not describe that his modified applications generate or provide XML schemas, as suggested by the Examiner.

Moreover, Ballantyne makes no mention whatsoever regarding any presentation schema advertisements including presentation schemas. Ballantyne does not describe accessing a presentation schema advertisement when using the XML schema to modify legacy applications. Following the Examiner's argument, the XML schema used to modify a legacy applications would have to be comprised in the output of that modified legacy application. Such an interpretation cannot be correct.

In the Response to Arguments section of the Final Office Action dated November 29, 2005, the Examiner refers to the fact that Ballantyne teaches providing report data to a display device, where a user can then access results data. However, the results data referred to by the Examiner cannot be considered a presentation schema advertisement including a presentation schema. Following the Examiner's reasoning, the report data generated by Ballantyne's applications must be an advertisement including the XML schema generating by Ballantyne's modeling engine, which the Examiner considers the presentation schema of Applicants' claims. The Examiner has plainly ignored the specific limitations recited in claim 10.

Thus, for at least the reasons above, the rejection of claim 10 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks apply to claims 28 and 50 as well.

In regard to claim 27, Ballantyne does not teach or suggest wherein the service device is further configured to <u>provide a results advertisement for the results data stored on the results space</u>, wherein the results advertisement includes information for <u>enabling access of the results data</u> and wherein the first device is further configured to access the results from the results space in accordance with the results advertisement. The Examiner argues that Ballantyne's modified applications can generate XML data that "may comprise invoice, billing statements, or any other type of report data including advertisement" and that "one of ordinary skill in the art would recognize that an XML schema could be used to describe any number of outputs in XML format includes invoices and advertisements." The Examiner has apparently confused the output of commercial advertisements with providing a results advertisement for the results data, wherein the results advertisement includes information for <u>enabling access of the results data</u>. The Examiner has not cited any portion of Ballantyne that mentions providing an advertisement that includes information for enabling access of the outputted invoices, billing statements, etc, which the Examiner equates to the results data of Applicants' claims.

The Examiner also argues, "[a]lthough Ballantyne does not state 'advertisements', the term 'report data' could comprise an advertisement" and further asserts, "it would have been obvious to one of ordinary skill in the art at the time of the invention to produce advertisements as 'result data' since and (sic) XML schema can be used to produce XML formatted data." However, whether or not "report data" *could* include an advertisement and whether or not an XML schema *can* be used to produce XML formatted data is irrelevant. It is well established that the "mere fact that references <u>can</u> be modified does not render the resultant combination obvious unless the prior art also <u>suggests the desirability of the modification</u>". M.P.E.P. § 2143.01 paragraph 9; and *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The Examiner has not provided

a proper suggestion or motivation for modifying Ballantyne to include results advertisements. Instead the Examiner only states that Ballantyne's report data *could* include an advertisement and that an XML schema *can* be used to produce XML formatted data, neither of which are proper suggestions or motivations to modify Ballantyne. Also, the Examiner's assertion can only be based in hindsight since no evidence of record teaches or suggests providing a results advertisement for the results data stored on the results space, wherein the results advertisement includes information for enabling access of the results data.

The cited art clearly fails to teach or suggest <u>providing a results advertisement</u> for the results data stored on the results space, wherein the results advertisement includes <u>information for enabling access of the results data</u>. As such, the rejection of claim 27 is not supported by the prior art and removal thereof is respectfully requested.

The Examiner rejected claims 12, 30 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Ballantyne in view of Sravanapudi et al. (U.S. Publication 2001/0049603) (hereinafter "Sravanapudi"). Applicants traverse the rejection of these claims for at least the reasons given above regarding their respective independent claims.

Regarding both the § 102 and § 103 rejections, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.
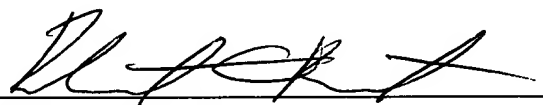
CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-57700/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Other:

Respectfully submitted,

Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

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